

BEFORE THE FEDERAL ELECTION COMMISSION

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MUR 5355

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COMMISSION
OFFICE OF GENERAL
COUNSEL

2003 MAY -1 P 4:40

**RESPONDENTS SHELLEY MOORE CAPITO FOR CONGRESS, NANCY
JOHNSON FOR CONGRESS, NORTHUP FOR CONGRESS AND HEATHER
WILSON FOR CONGRESS INITIAL RESPONSE TO COMPLAINT**

By and through the undersigned counsel, the Shelley Moore Capito for Congress Committee, the Nancy Johnson for Congress Committee, the Northup for Congress Committee and the Heather Wilson for Congress Committee, hereby respond to the Complaint filed in the above-captioned MUR. We respectfully request that the Complaint be dismissed.

The Complaint, as it pertains to these campaign committees, should be dismissed promptly as it fails to allege a violation of the law. Although each committee did receive contributions from both PRYCE Project and VIEW PAC, the Complaint itself acknowledges that the PACs themselves do not consider themselves to be affiliated, and the public record at the Commission certainly does not state that the PACs are affiliated. In such circumstances, recipients of contributions from PACs are under no obligation to ascertain whether or not PACs are affiliated. This is well-established, and the two provisions cited in the Complaint – 11 C.F.R. §§ 110.3(a) or 110.9(a) – do not in any way impose such an obligation.

Therefore, we respectfully request that the Complaint be dismissed.

Respectfully submitted,



Donald F. McGahn II

Counsel for:

Shelley Moore Capito for Congress
Committee; Nancy Johnson for Congress
Committee; Northup for Congress
Committee; and Heather Wilson for
Congress Committee